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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

LUIS MAURICIO CASTENON
BRYAN STEVEN REYES,

Defendant.

CASE NO. 1:22-CR-00309-NODJ-BAM

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
AND ORDER

CURRENT DATE: September 11, 2024.
TIME: 1:00 p.m.
COURT: Hon. Barbara A. McAuliffe

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and LUIS MAURICIO CASTENON, by and through defendant's counsel of record, Anthony Capozzi, and BRYAN STEVEN REYES, by and through defendant's counsel of record, Mark Coleman, hereby stipulate as follows:

1. By previous order, this matter was set for status on September 11, 2024.
2. By this stipulation, defendant now moves to continue the status conference until December 11, 2024 and to exclude time between September 11, 2024., and December 11, 2024, under 18 U.S.C. § 3161(h)(7)(A), B(iv).
3. The parties acknowledge the Court's directive to further continuances will be narrowly construed and ask the Court to consider the following good cause:
 - a) During the week of August 8, 2024, the Government learned new, derogatory information about one of the material witnesses in the case. The Government disclosed this

1 information to the defense counsel and is conducting an ongoing investigation into the
2 information.

3 b) The Government believes it is necessary to fully investigate this material witness
4 and disclose any further information to the defense. The Government further believes that this
5 information may result in revised plea agreements being sent to the defendants. Because the
6 investigation is ongoing, the parties require additional time to complete the investigation and
7 engage in further discussions regarding a resolution of the case.

8 c) The parties believe in light of this information, setting the case for trial would be
9 premature until the parties are able to fully assess the situation.

10 d) Counsel for the defendants desire additional time to discuss the new information
11 with their clients, to review the current charges, to conduct their own investigation into the
12 information, and to discuss potential revised resolutions with their clients, to prepare pretrial
13 motions, and to otherwise prepare for trial.

14 e) Counsel for the defendants believe that failure to grant the above-requested
15 continuance would deny them the reasonable time necessary for effective preparation, taking into
16 account the exercise of due diligence.

17 f) The government does not object to the continuance.

18 g) Based on the above-stated findings, the ends of justice served by continuing the
19 case as requested outweigh the interest of the public and the defendant in a trial within the
20 original date prescribed by the Speedy Trial Act.

21 h) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
22 et seq., within which trial must commence, the time period of September 11, 2024. to December
23 11, 2024, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) , because
24 it results from a continuance granted by the Court at defendant's request on the basis of the
25 Court's finding that the ends of justice served by taking such action outweigh the best interest of
26 the public and the defendant in a speedy trial.

27 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
28 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial

1 must commence. IT IS SO STIPULATED.

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3 DATED: September 4, 2024

PHILLIP A. TALBERT
United States Attorney

4 By: /s/ Arin C. Heinz
5 ARIN C. HEINZ
6 Assistant U.S. Attorney

7 DATED: September 4, 2024

By: /s/ Anthony Capozzi
8 ANTHONY CAPOZZI
9 Attorney for Defendant
LUIS MAURICIO CASTENON

10 DATED: September 4, 2024

By: /s/ Mark Coleman
11 MARK COLEMAN
12 Attorney for Defendant
13 BRYAN STEVEN REYES

14 **ORDER**

15 IT IS SO ORDERED that the status conference is continued from September 11, 2024, to
16 **December 11, 2024, at 1:00 p.m. in Courtroom 8 before Magistrate Judge Barbara A. McAuliffe.**
17 Time is excluded pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv). If the parties do not resolve the case in
18 advance of the next status conference, they shall be prepared to set a trial date at the status conference
19 hearing.
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21 IT IS SO ORDERED.

22 Dated: September 5, 2024

/s/ Barbara A. McAuliffe
23 UNITED STATES MAGISTRATE JUDGE
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